

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

Amend Section 601
Title 14, California Code of Regulations
Re: Enhancement and Management of Fish and Wildlife
and their Habitat on Private Lands

I. Date of Initial Statement of Reasons: December 30, 2002

II. Dates and Locations of Scheduled Hearings:

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| (a) Notice Hearing: | Date: February 7, 2003
Location: Sacramento, California |
| (b) Discussion and:
Adoption Hearing: | Date: April 4, 2003
Location: Visalia, California |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

1. Pronghorn Antelope Tag Exchange

Existing regulations in subsections 601 (c)(1-2) identify special tags and/or seals that hunters must possess to hunt game species included in the management plan for a Private Wildlife Management Area ("PWMA"). Regarding big game species, these special tags are distinct from public big game tags. Public big game tags are not valid on a PWMA for species included in the respective management plan. As a means of maintaining or enhancing access to private property for deer hunting, existing regulations allow the exchange of a public hunt deer tag for a PWMA deer tag, under specific conditions.

However, existing regulations make no provision to exchange a public pronghorn antelope tag for a PWMA pronghorn antelope tag. This proposed regulatory action would establish a specific process for exchanging an unfilled public hunt pronghorn antelope tag for a PWMA pronghorn antelope tag, and is necessary because it maintains and/or enhances access to private property for pronghorn antelope hunting. The proposed conditions for exchanging a public hunt pronghorn antelope tag for a PWMA pronghorn antelope tag are as follows:

- buck tags must be exchanged for buck tags,
- doe tags must be exchanged for doe tags,
- exchange may occur only for a PWMA tag within the zone specified on the public tag,
- season/hunt period dates remain the same as those of the public tag, and
- a PWMA pronghorn tag may not be exchanged for a public tag.

2. Fee Adjustment

Sections 3402 and 3407 of the Fish and Game Code require the PWMA license and tag fees to meet the actual costs incurred by the Department of Fish and Game ("the Department") in administering the program. These license and tag fees have not been adjusted since 1991-92. An in-progress analysis of program cost and revenue indicates a substantial increase may be necessary for the program to meet its legislative mandate. This proposed amendment would provide for a 20% across-the-board fee increase until a more thorough analysis of program cost is completed.

2. Editorial Changes

This proposed amendment also includes minor editorial changes to correct errors, improve clarity and reduce redundancy. Specifically, an erroneous reference to a three-year PWMA license period in subsection 601 (b)(4) is removed. Additionally, in subsection 601 (c)(2)(B), the meaning of "unused" tag(s) is ambiguous; this term is replaced with "unfilled public" tag(s) to improve clarity of the section. Redundant provisions and/or requirements within the section are removed, and other minor editorial and organizational changes are made for consistency and to improve clarity.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Fish and Game Code sections 200, 202, 203, 3402, 3404, and 3406.

Reference: Fish and Game Code sections 3400-3404, 3406-3409, 4331, 4332 and 4341.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

None.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

None.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Pronghorn Antelope Tag Exchange

There are no other alternatives to this proposed amendment.

2. Fee Adjustment

The alternative to the fee adjustment amendment would be to implement fee changes following completion of budget analysis. The program would continue to operate in a deficit condition until the analysis is complete and a modified fee schedule is proposed during the 2004 regulation cycle.

3. Editorial Changes

There are no other alternatives to this proposed amendment.

(b) No Change Alternative:

1. Pronghorn Antelope Tag Exchange

Under the no-change alternative, no provisions would exist to exchange a public pronghorn antelope tag for a PWMA pronghorn antelope tag. This alternative is undesired because it does not maintain or enhance access to private property for pronghorn antelope hunting.

2. Fee Adjustment

Under the no-change alternative, the program will continue to operate in a deficit condition. Completion of tasks necessary to implement the program will be delayed or not accomplished due to insufficient funding, jeopardizing the continued operation of the program.

3. Editorial Changes

The no-change alternative would not include minor editorial changes to correct errors, reduce redundancy and improve clarity of the section. Elimination of inconsistency and redundancy within the existing regulation is desirable and results in a concise section.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective as and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. The proposed action adjusts procedures for exchanging pronghorn antelope PLM tags, adjusts PLM license and tag fees, and makes minor editorial changes. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

(c) Cost Impacts on Private Persons:

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Other Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:

None.

(h) Effect on Housing Costs:

None.

**Informative Digest
(Policy Statement Overview)**

The Department of Fish and Game ("Department") proposes to amend Section 601, Title 14 of the California Code of Regulations by establishing a specific process for exchanging an unfilled public hunt pronghorn antelope tag for a Private Wildlife Management Area (PWMA) pronghorn antelope tag. Existing regulations identify special tags and/or seals that hunters must possess to hunt game species included in the management plan for a PWMA. Under these regulations, public big game tags are not valid on a PWMA for species included in the respective management plan. The proposed amendment is necessary because it maintains and/or enhances access to private property for pronghorn antelope hunting. Specific conditions for exchanging a public hunt pronghorn antelope tag for a PWMA pronghorn antelope tag are as follows: buck tags must be exchanged for buck tags, doe tags must be exchanged for doe tags, exchange may occur only for a PWMA tag within the zone specified on the public tag, season/hunt period dates remain the same as those of the public tag, and a PWMA pronghorn antelope tag may not be exchanged for a public tag.

The Department is also proposing to amend the fee schedule for private Wildlife Habitat Enhancement Area licenses and hunting tags. Fees charged for these licenses and hunting tags have not been modified since 1991-92. The cost to the Department to administer this program has increased dramatically over the last ten years due primarily to the increase in ranches participating in the program. The Department is conducting an analysis of program cost and revenue to determine the increase necessary to meet program costs, and is recommending a 20% across-the-board increase in license and hunting tag fees pending completion of the budget analysis. The proposed fees ranges are as follows:

§ 601(b)(4) Proposed License Fees Ranges		
<i>Category</i>	<i>Proposed Fee Ranges</i>	<i>Area</i>
(A)	\$1,250.00 – no change	Less than 5000 acres
(B)	\$1,500.00 - \$1,800.00	5,001 to 10,000 acres
(C)	\$1,750.00 - \$2,100.00	10,001 to 15,000 acres
(D)	\$2,000.00 - \$2,400.00	Greater than 15,001 acres

The Department also proposes minor editorial changes to correct errors, improve clarity and reduce redundancy of the section. Specifically, an erroneous reference to a three-year PWMA license period in subsection 601 (b)(4) is removed. Additionally, the meaning of "unused" tag(s) is ambiguous; this term is replaced with "unfilled public" tag(s) to improve clarity of the section. Redundant provisions and/or requirements within the section are removed, and other minor editorial and organizational changes are included for consistency and to improve clarity.

